

Application Serial No. 09/751,208  
Attorney's Docket No.:17342-002001

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

The drawings stand objected to as failing to include reference numerals. With all apologies to the Patent Office, the undersigned was not the attorney who originally filed this application. The only copy of the application possessed by the undersigned is the provisional publication, number 2004/0012398. This provisional publication does in fact include the reference numerals such as 10 through 13, 15 and 17-9. A copy of the drawings from the provisional publication are attached. To the extent that this is a drawing change from what is in the patent office records, please accept it as such.

The drawings also stand objected to as not showing the "means for relaying the dimensions," and the server. These are clearly shown in figure 10, for example elements 100, 105 110 and 115. Item 110 is shown in figure 10, again with apologies if the patent office's version of the drawings is different than the one possessed by the undersigned.

The indication that claims 8, 11 and 14 would be allowable if rewritten into independent form is appreciatively noted. In response to this indication, claim 1 has been amended to include the limitations of claims 8 and 9 therein, and should hence be

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allowable for this reason. The remaining claims 3-5, 7, 10 and 25 depend from now-the allowable claim 1.

Claim 11 has also been amended into independent form and should be allowable as per the patent office's indication of same.

Claim 14 has been rewritten into independent form and should also be allowable as per that indication.

Claim 17 and 19 have been canceled to obviate the rejections thereto.

This leaves only the rejections of claims 20-24, which stand rejected as being allegedly obvious over Constant. In response, claim 20 has been amended to include the limitations of claim 21 therein. As amended, claim 20 requires using determined locations to uniquely identify an individual, and where that comprises determining ratios between different body measurements to carry out the unique identifying.

The rejection over Constant states that Constant teaches identifying objects using radar techniques, and that the only difference between this technique and the claim is that the claim defines humans. First, nowhere does Constant teach or suggest uniquely identifying any individual. Constant uses a special kind of coding array, apparently something now known as an RF ID, to uniquely identify an object. The special coding

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array must be used; there is nowhere that Constant teaches determining locations where the microwave signal has been blocked by the subject and using those locations to identify the individual.

However, to more distinctly define these features, claim 20 now defines using body measurements to determine ratios between the body measurements to uniquely identify individual. Whatever Constant may or may not teach, it is clear that he teaches nothing about ratios between body measurements being used. Therefore, Constant should be additionally allowable for these reasons. It is quite simply silent about ratios between body measurements. Claim 20 should hence be allowable along with claims 22-24 which depend therefrom.

This amendment should be considered after final, since it simply incorporates allowable subject matter (subject matter of the dependent claims) into every remaining claim, except claim 20. Claim 20 has been amended to include the limitations of claim 21, and hence this should also be considered after final rejection.

With all due respect, it is believed that this places all claims in condition for allowance, and a notice on the merits is requested.

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It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the above amendments and remarks, therefore, all of the claims should be in condition for allowance. A formal notice to that effect is respectfully solicited.

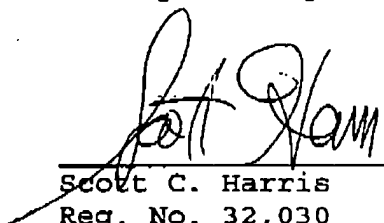
Applicant asks that all claims be allowed. Pursuant to 37 CFR §1.136, applicant hereby petitions that the period for response to the action dated June 10, 2004, be extended for one

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month to and including October 10, 2004. Please apply any  
charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: October 11, 2004

  
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